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(v) if any expensive medicines required for being administered on the injured are not available in the hospital, they should be purchased at the cost of the Government and no charges should be collected from the patients.

The Director of Public Instruction, who has visited the scene of the tragedy, has given an assurance to the parents of the school children who were injured that they need not have to sit for the annual examinations and that they would be promoted to the next higher class. The Revenue Divisional Officer, Madurai, has conducted a detailed enquiry into the incident. His report has just been received and is being examined. The Executive Engineer (Special Buildings Division), Madurai, has been asked to conduct an enquiry into the technical reasons for the collapse.

Action is also being taken by Government to get all the school buildings in the State inspected.

III.—GOVERNMENT BILL.

THE MADRAS BHOODAN YAGNA (AMENDMENT) BILL, 1964
(L.A. BILL NO. 10 OF 1964)

THE HON. SRI P. KAKKAN : Sir, I move—

“That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as passed by the Assembly, be taken into consideration”

5-20
p.m.

தலைவர் அவர்களே, 1964-ம் ஆண்டு தமிழ்நாடு “னிதான யக்ஞ” (திருத்த) மசோதாவை, ஆலோசனைக்கு எடுத்துக்கொள்ளுமாறு பணிவோடு கேட்டுக் கொள்கிறேன்.

ஸ்ரீ ஆச்சார்ய விநோபா பாவே அவர்கள், ஆரம்பித்து வைத்த மாபெரும் இயக்கமான பூதான யக்ஞத்தைப் பற்றி இந்த சபை நன்கு அறியும். பூதானத் திட்டத்தை அமுல் நடத்த 1958-ம் ஆண்டு தமிழ் நாடு பூதான யக்ஞ சட்டம் (1958-ம் ஆண்டு, சென்னை 15-வது சட்டம்) இந்த சபையில் நிறைவேறியதை இங்குள்ளவர்கள் அறிவார்கள். மேற்சொன்ன சட்டத்தை நிறைவேற்று வதில் ஏற்பட்ட சில குறைகளையும்; அனுபவத்தில் கண்ட கஷ்டங் களையும் நீக்குவதற்காக சில வகைகளில் திருத்தம் செய்ய வேண்டிய அவசியம் இப்போது ஏற்பட்டிருக்கிறது.

பூதான நிலங்களைப் பெற்றவர்கள், ஒன்று சேர்ந்து, கூட்டு முறையில் சாகுபடி செய்வதற்கான வசதியளிக்கப்படவில்லை. இந்த வசதி அவசியம் என்று கருதப்படுகிறது. இதற்காக, பூதான நிலங் களைப் பெற்றவர்கள் அங்கத்தினர்களாக இருக்கும் கூட்டுறவு சங்கங்களை உருவாக்கவும், அவற்றின் மூலம் கூட்டுச் சாகுபடி செய்யவும் வழி அமைக்க வேண்டியுள்ளது. எனவே, கூட்டுறவு சங்கங்களுக்கும், பூதான நிலங்களை அளிக்கும் அதிகாரம், மாநில போர்டுக்குத் தர உத்தேசிக்கப்பட்டுள்ளது.

[Sri P. Kakkan]

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இப்போதுள்ள சட்டத்தின் 2 (அ) பிரிவில், “கிராமதான ஊர்” என்பதற்குப் பொருள் வரையறுக்கப்பட்டுள்ளது. அதன்படி ஒரு சேர அமைந்துள்ள கிராமதான ஊர்கள் சிலவற்றை, ‘அறிவிப்பு’ (நோட்டிபிகேஷன்) செய்ய முடியவில்லை. ஏனெனில், அந்தக் கிராமங்களில் தானம் செய்யும் நபர்களின் எண்ணிக்கை, தான மாகப் பெறும் நிலங்களின் பரப்பு ஆனவை, முன்சொன்ன சட்டத்தின் பொருள் விளக்கத்துக்குப் பொருந்துவதாக இல்லாததால், இதற்கேற்ற முறையில், கிராமதான ஊர்” என்பதன் பொருள் விளக்கம் தக்க வகையில் திருத்தப்படும்.

கிராமதான ஊர்களில் பூதான யக்ஞத்துக்காக வழங்கப்பட்ட நிலங்கள் உள்ளன, அந்த நிலங்களில் நிலமில்லாத ஏழை ஜனங்களுக்கு இதுவரையில் கொடுக்காத நிலங்களை அந்த ஊரில் நிறுவப்பட்டுள்ள சர்வோதய பஞ்சாயத்துக்கு வழங்க வேண்டுமென்று தோன்றியது. அதற்கு ஏற்றபடி, சட்டத்தை திருத்தி, பூதான நிலங்களை கிராமதான ஊர்களில் உள்ள சர்வோதய பஞ்சாயத்துக்களுக்கு வழங்கும் அதிகாரத்தை மாநில போர்டுக்குத் தர உத்தேசிக்கப்பட்டுள்ளது.

இப்போதுள்ள சட்டப்படி, தானம் கொடுக்கப்பட்டுள்ள நிலங்களை அந்தந்த தாலுகா தாசில்தார் அல்லது உதவி தாசில்தார் விசாரணை செய்து காயம் செய்ய வேண்டியிருக்கிறது. இதில் ஏற்பட்டுள்ள ஒருசில குறைகளை நீக்க தற்போதுள்ள முறையை ஒரு சிறிது மாற்றி பின்வருமாறு அமைக்க உத்தேசிக்கப்பட்டுள்ளது. இப்போது கொண்டுவரப்பட்டுள்ள திருத்தங்களின்படி உறுதிமொழிகளை மாநில போர்டில் தாக்கல் செய்யவேண்டும். செயின்ட் ஜார்ஜ் கோட்டை கெஜட்டில், நியமித்தல் முறையில் அவற்றை மாநில போர்டு, வெளியிடும். அதற்குப் பின்பு அந்த உறுதிமொழிகள், அந்தந்த விசாரணை அதிகாரிக்கு

Inquiry Officer க்கு அனுப்பப்படும். குறிப்பிட்ட கால எல்லைக்குள், ஆட்சேபணைகள் எதுவும் வரவிட்டால், விசாரணை அதிகாரி, உறுதிமொழியை காராம் செய்வார். ஆட்சேபணை வரப்பெற்றால் அவற்றைக் கேட்ட பின்பு, உறுதிமொழியைக் காயம் செய்யலாம்; அல்லது செல்லுபடியாகாதென்று தள்ளியும் விடலாம். உறுதிமொழியைக் காயம் செய்யும்போது, விசாரணை அதிகாரியின் உத்தரவின் நகல் ஒன்று, அந்த விஷயத்தைப் பற்றிய நடவடிக்கை தஸ்தாவேஜுகளுடன், மாநில போர்டுக்கு அனுப்பப்பட வேண்டும். மாநில போர்டு, அந்த உத்தரவை செயின்ட் ஜார்ஜ் கோட்டை கெஜட்டில் வெளியிடும். பொது ஜனங்கள் தெரிந்துகொள்ள, காய உத்தரவின் நகல் ஒன்றை சம்பந்தப்பட்ட நிலப் பதிவு அதிகாரிக்கு (சப்-ரிஜிஸ்திரார்) மாநில போர்டு அனுப்பி அவ்வலுவலக தஸ்தாவேஜிகளில் பதிவு செய்ய ஏற்பாடு செய்யும். விசாரணை அதிகாரி எடுக்கும் நடவடிக்கைகள் பூர்த்தி யாகாமல் இருக்கும் காலத்தில், பூதான யக்ஞத்துக்களை வழங்கப்பட்ட நிலங்களைச் சாகுபடி செய்வதற்கான ஏற்பாடுகளை மேற்கொள்ள, மாநில போர்டுக்கு அதிகாரம் வழங்கப்படுகிறது.

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இப்போதுள்ள சட்டப்படி, நிலங்களைத் தானம் செய்வது, அதைப்பற்றி உறுதிமொழி தருவது முதலிய தஸ்தாவேஜுகளுக்கு, ஸ்டாம்பு கட்டணம் செலுத்துதல், வில்லங்க அத்தாட்சி (Endowment certificate) செலவுத் தொகை கட்டுதல் முதலிய வற்றிலிருந்து விதிவிலக்கு அளிக்கப்பட்டுள்ளது. சதிபத்தில், மதுரை மாவட்ட நீதிபதி

District Judge of Madurai அளித்த எஸ். நம்பர் 115-62 என்ற தீர்ப்பில், 1882-ம் ஆண்டு சொத்துக்கள் மாற்றம் பற்றிய சட்டத்திலும் (Transfer of Property Act, 1882) 1908-ம் ஆண்டு இந்தியப் பதிவுச் சட்டத்திலும் (இந்தியன் ரிஜிஸ்ட்ரேஷன் ஆக்ட், 1908) சால்லப் பட்டுள்ளதற்கேற்ப, நில தானங்கள் பற்றிய பத்திரங்கள் பதிவு செய்யப்படவில்லை என்ற காரணத்துக்காக, பூதான யக்ஞத்துக்கு வழங்கப்பட்ட நில தானங்கள் சில செல்லுபடியாகாமல் போய் விட்டன. எனவே, ஸ்டாம்பு கட்டணம் செலுத்துவதிலிருந்து மட்டுமின்றி, 'பதிவு செய்யவேண்டியது அவசியமே' என்பதில் இருந்தும், விதிவிலக்கு தந்து, சட்டத்தைத் திருத்த ஏண்ணியுள்ளோம். சட்டப்படி பத்திரங்கள் பதிவு செய்யப்படாத காரணத்தால் செல்லுபடியாகாமல் போன உறுதிமொழிப் பத்திரங்கள், செல்லத்தக்கவாகச் செய்யவும் உத்தேசிக்கப்பட்டுள்ளது. அதற்கேற்ற வகையில், சட்டத்தின் விதிமுறைகளைத் தக்க முறையில் மாற்றி அமைக்க உத்தேசிக்கப்பட்டுள்ளது.

மசோதாவின் முக்கிய அம்சங்களை, சுருக்கமாக குறிப்பிட்டேன். இந்த மசோதாவின் "நோக்கங்கள், காரணங்கள் பற்றிய அறிக்கையில்" இதன் நோக்கத்தைப் பற்றி விரிவாகக் காணலாம். சட்டசபையில் நிறைவேற்றப்பட்ட இந்த மசோதாவைத் தற்போழுது கொடுக்கப்பட்ட திருத்தங்களுடன் ஆலோசனைக்கு எடுத்துக் கொள்ளுமாறு கேட்டுக்கொள்கிறேன்.

MR. DEPUTY CHAIRMAN: Motion moved—

"That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as passed by the Assembly, be taken into consideration".

SRI V. K. RAMASWAMI MUDALIAR: Mr. Deputy Chairman, Sir, I move the following amendment—

"That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as passed by the Assembly, be referred to a Select Committee".

About the personnel of the Committee, I leave it to the Hon. Minister.

MR. DEPUTY SPEAKER: The motion and the amendment are before the House for discussion.

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SRI V. K. RAMASWAMY MUDALIAR: Sir, I find, after going through this Bill, that there are many discrepancies. The very fact that the Government have given a lot of amendments shows that the Bill was passed in haste and that it was not prepared properly. One important thing is that it clashes with the Central Act, this is, the Transfer of Property Act. Again, here an unscrupulous man can sell the land to whomsoever he likes and then he can say afterwards that he has donated the land. Like this there are so many other discrepancies also. Though I understand the urgency of the Bill, still I would request the Hon. Minister to agree to refer this Bill to a Select Committee. Even if the Government amendments are passed, they have to go to the Assembly once again. Therefore, my submission is that my proposal to refer the Bill to the Select Committee may be accepted.

SRI S. K. SAMBANDHAN: I second the amendment, Sir.

கனம் திரு. பி. கக்கன் : கனம் தலைவரவர்களே, இந்த மசோதா ஏற்கனவே கொண்டு வரப்பட்டிருக்க வேண்டியது. ஆனால் சில காரணங்களால், செய்ய வேண்டிய வேலைகள் எல்லாம் தாமதப்படுகிறது. நிலம் கொடுத்ததை எடுக்கிறதற்கு பிரயத்தனம் செய்து கொண்டிருக்கிறார்கள். ஏற்கனவே சட்டத்திலுள்ளதை நிறைவேற்றுவதற்காக இந்தத் திருத்தம் கொண்டு வரப்பட்டிருப்பதால், இதை செலக் கமிட்டியின் பரிசீலனைக்கு விடவேண்டிய தில்லை என்று கேட்டுக் கொள்ளுகிறேன்.

DR. H. V. HANDE: Mr. Deputy Chairman, Sir, the purpose of this amendment, as I see it, is to give the Bhoodan land to certain societies, the Sarvodaya panchayat and also certain co-operative societies. But I am a little surprised that this amendment has been brought in at all. Actually when Acharya Vinobha Bhave started this movement, his idea was to give the land to the landless poor. But by this amendment, by a stroke of the pen of the Government, the right of the poor is curtailed to a certain extent because the Government get the power to transfer his land to certain societies. What is the actual function of the societies I really wonder because as soon as this is transferred to the societies, the second problem crops up how the society is going to redistribute it, what is the agency which watches the proper redistribution, and why the Government should take upon themselves such wide powers as distributing this land to these societies. The very purpose for which Acharya Vinobha Bhave tried his utmost and worked in every nook and corner of India is completely lost by this amendment. Therefore, I request this House to reconsider this and decide that it should be given only to the landless poor who are in want.

There is another important point. Certain new officers, inquiry officers, are supposed to be put in. What exactly is the role of these officers and what is the rank of these officers? They are supposed to be directly answerable to the Bhoodan Board. But

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should we not take care to see that these officers are made answerable to the Collectors of the respective districts instead of straightaway to the Board? Then, what is the rank of these officers? Are we not giving wider powers to these officers? When there are already Deputy Tahsildars to look after this work, this is only duplication of work. These two points I wish to be clarified by the Hon. Minister.

SRI K. BALASUBRAMANYA AYYAR: Mr. Deputy Chairman, Sir, I welcome this Bill. There is no objection to it. Giving the land to the Sarvodaya Movement is a good thing. There is nothing wrong about it. The Sarvodaya Panchayat will give it only to the landless poor. Because 'Sarvodaya' is mentioned, it does not mean that the land will not be given to the landless poor persons. The Sarvodaya Panchayat has been constituted for the purpose of helping the landless people. We are not going against the object of Acharya Vinobha Bhave.

But, unfortunately, various provisions are put in which are not clear. The Government themselves have given notice of amendments. There are also other difficulties. For the purpose of effectuating this Act, not for opposing it, for the purpose of seeing that Bhoodan takes a smooth effect on the landless people, this may be considered in detail. That is the point I wish to make.

*** THE HON. SRI R. VENKATARAMAN:** Mr. Deputy Chariman, Sir, the point raised by the hon. Member Sri V. K. Ramaswami Mudaliar that it clashes with the Transfer of Property Act has been thoroughly examined and I beg to submit that with the amendment proposed by the Government, there will be no clash at all. Actually in the Bill as it was originally introduced in the other House, one of the provisions in the corresponding Act has been overlooked and that has now been brought again as an amendment here. The only question that could be raised is that this seeks to override the law of Transfer of Property. But if the hon. Members will look at the original Act, they will find that under section 17 of the Act, there is a provision for an elaborate enquiry in which first the lands which are donated to the Bhoodan Yagna should be notified in the gazette, then objections called for and after the objections are heard, the question must be decided. Even after it is decided, under section 23, a person can at any stage file a civil suit to set aside the grant to bhoodan. But what we have now sought to do by this amendment is this. There are certain formalities such as registration and other things which have not been observed by the people who donated lands. The person donates the lands but then he refuses to sign the document, he refuses to go over to the Registrar's office and do the registration. These are all formalities which are required to be performed by persons who donate the lands. The donor says: 'I not merely give the lands, but I am also asked to

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go to the Registrar, this person and that. I am not prepared to undertake all those responsibilities'. Therefore, what we have said is, notwithstanding anything which the formalities which we have mentioned may require such as non-attestation, non-registration, etc., lands which have been confirmed by the officer will be notified and on such notification the transfer would be valid and final.

We have also provided for something more in this amendment. It is by way of abundant caution. It may be that a person after donating the lands to the bhoodan, can go and sell the very same lands to somebody else. Because this grant to bhoodan is not registered in the land registry, the purchased *bona fide* for value may get a better title than the Bhoodan Panchayat. Therefore, we have said that in cases where the enquiry has been made and an order has been passed, it is the duty of the officer concerned to send it to the Register and get it registered so that it may be a notice to all people.

I do not think there is any grave irregularity or serious conflict with the Transfer of Property Act. The measure is most wholesome and I would request the House to accept it.

MR. DEPUTY CHAIRMAN : Now, I put the amendment to the vote of the House. The question is—

“ That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as passed by the Assembly, be referred to a Select Committee ”.

The amendment was put and lost.

MR. DEPUTY CHAIRMAN : The question is—

“ That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as passed by the Assembly, be taken into consideration ”.

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 and 3 were put and carried.

Clause 4.

MR. DEPUTY CHAIRMAN : The motion is—

“ That clause 4 do stand part of the Bill ”.

THE HON. SRI P. KAKKAN : Mr. Deputy Chairman, Sir, I move the Government amendment to clause 4. It is a very long amendment and it might be taken as read.

THE HON. SRI R. VENKATARAMAN : I think it is better the hon. Members understand the significance of the amendment. Therefore, I will read the whole thing.

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THE HON. SRI P. KAKKAN : Mr. Deputy Chairman, Sir, I move—

‘ In clause 4, for items (v) and (vi), substitute the following items :—

‘ (v) for sub-section (5), the following sub-section shall be substituted, namely :—

‘ (5) (a) Where the Inquiry Officer passes an order under sub-section (4) confirming a declaration, he shall, as soon as may be, communicate the order along with the record of his proceedings to the State Board.

(b) As soon as may be after the receipt of the order referred to in clause (a), the State Board shall—

(i) publish such order in the *Fort St. George Gazette*, and

(ii) send a copy of such order duly authenticated by any officer authorised by the State Board in this behalf to the registering officer under the Indian Registration Act, 1908 (Central Act XVI of 1908) within the local limits of whose jurisdiction the land to which the order relates is situate and such registering officer shall register such order :

Provided that no fee shall be payable for such registration and it shall not be necessary for any officer of the State Board to appear in person or by agent at the registration office in any proceeding connected with such registration.

(vi) for sub-section (6), the following sub-section shall be substituted, namely :—

‘ (6) Upon such registration, all the right, title and interest of the donor in such land shall, notwithstanding anything contained in any other law for the time being in force but subject to the provisions of section 23, stand transferred to, and vest in, the State Board for the purposes of the Bhodan Yagna ’.

MR. DEPUTY CHAIRMAN : The question is—

‘ In clause 4, for items (iv) and (vi), substitute the following items :—

‘ (v) for sub-section (5), the following sub-section shall be substituted, namely—

(5) (a) Where the Inquiry Officer passes an order under sub-section (4) confirming a declaration, he shall, as soon as may be, communicate the order along with the record of his proceedings to the State Board.

(b) As soon as may be after the receipt of the order referred to in clause (a), the State Board shall—

(i) publish such order in the *Fort St. George Gazette* and

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(ii) send a copy of such order duly authenticated by any officer authorised by the State Board in this behalf to the registering officer under the Indian Registration Act, 1908 (Central Act XVI of 1908) within the local limits of whose jurisdiction the land to which the order relates is situate and such registering officer shall register such order :

Provided that no fee shall be payable for such registration and it shall not be necessary for any officer of the State Board to appear in person or by agent at the registration office in any proceeding connected with such registration.

(vi) for sub-section (6), the following sub-section shall be substituted, namely—

“(6) Upon such registration, all the right, title and interest of the donor in such land shall, notwithstanding anything contained in any other law for the time being in force but subject to the provisions of section 23, stand transferred to, any vest in, the State Board for the purposes of the Bhoodan Yagna.”

The amendment was put and carried.

Clause 4, as amended, was put and carried.

Caluses 5 to 10 were put and carried.

Clause 11.

MR. DEPUTY CHAIRMAN: The motion is—

“That clause 11 do stand part of the Bill”.

THE HON. SRI P. KAKKAN: Mr. Deputy Chairman, Sir,

In clause 11,—

(a) in the opening paragraph and in sub-clause (a), after the words “under the principal Act”, insert the words “as in force immediately before the commencement of this Act”;

(b) add the following provisos:—

“Provided that in the case of every order confirming a declaration under sub-section (4) of section 17 of the principal Act before the commencement of this Act, the State Board shall, within four months from the date of such commencement, send a copy of such order authenticated by an officer authorised by the State Board in this behalf to the registering officer under the Indian Registration Act, 1908 (Central Act XVI of 1908), within the local limits of whose jurisdiction the land to which the order relates is situate and such registering officer shall register such orders :

Provided further that no fee shall be payable for such registration and it shall not be necessary for any officer of the State Board to appear in person or by agent at the registration office in any proceeding connected with such registration :

Provided also that notwithstanding anything contained in section 11 or sub-section (5) of section 17 of the principal Act, as in force immediately before the commencement of this Act,

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all the right, title and interest of the donor in such land shall stand transferred to and vest in the State Board or the Sarvodya Panchayat, as the case may be, only on registration of the copy of the order under the first proviso.

Explanation.—For the removal of doubts, it is hereby declared that if in any case the declaration or grant of any land donated under the principal Act has been registered under the Indian Registration Act, 1908 (Central Act XVI of 1908), before the commencement of this Act, the copy of the order confirming the declaration in respect of such land under sub-section (4) of section 17 of the principal Act shall not be deemed to require registration under this section."

MR. DEPUTY CHAIRMAN : The amendment is before the House for discussion. 5-40 p.m.

SRI K. BALASUBRAMANYA AYYAR : Sir, I have one difficulty here. I shall read out clause 11. It says—

"Notwithstanding anything contained in any judgment, decree or order of any court, no donation of any land for the Bhoodan Yagna or for Gramdan and no grant of any such land made or deemed to have been made under the principal Act shall be deemed to be invalid on the ground only that the donation or the law relating to transfer of property or registration"

My first doubt is whether we should sweepingly say ' any law relating to transfer of property ' Because there are so many disabilities under the law will all those disabilities be covered by this? Mere formalities like attestation, etc., in the transfer of property can be imagined, but not fundamental sections dealing with the disabilities under the law of Transfer of property. These may also be brought under the purview of this clause. The Hon. Minister may say that under section 17 of the original Bhoodan Yagna Act, the validity or invalidity would have been looked into. But there is one other difficulty that struck me. The clause says, 'Notwithstanding anything contained in any judgment decree or order of any court ' Suppose there is a fraudulent transfer of property and the judgment says that it is a fraudulent transfer. Is this also to be brought within the scope of the clause? It is all right so far as section 17 is concerned. But take the case of a judgment in which there has been an adjudication in regard to the transfer of property saying that it is a fraudulent transfer or fraudulent preference. In this case, how will clause 11 apply? It is, as I said, all right in the case of section 17 of the Act but we are not dealing merely with section 17 but with all decrees, judgments, and orders. The transfer of property may not be invalid merely on the ground of formalities not being fulfilled, like attestation, etc. It will not be proper to say that all donations of land not made in accordance with the transfer of property Act shall not be invalid. It will be all right if we say that donation of land for Bhoodan shall not be

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invalid on the ground only that it has not been made after fulfilling the formalities under the Transfer of Property Act like attestation, etc. This is the point. But if a judgment says that the transfer is invalid on the ground that it is a fraudulent transfer and in fraud of creditors, that particular section will be affected. There are a number of sections in the Transfer of Property Act. The answer of the Hon. Minister is perfectly all right so far as section 17 of the principal Act is concerned. If there was anything which said that the formalities had not been fulfilled, it is all right. They would have enquired under section 17 whether the Bhoodan was perfectly all right, and whether it was not a fraudulent transfer or preference. If there was a fraudulent transfer, they would have rejected. They have got the power to do so. But in the case of a judgment which says that it is a fraudulent transfer, they cannot say that it is a valid transfer of property. That is the difficulty.

* THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, a number of donations of land made by several persons to the Bhoodan movement have been set aside and held invalid on the ground that there was no attestation, then there was no registration and also that the formalities relating to the Transfer of Property Act were not fulfilled. Taken as a whole, the clause only validates all those cases in which the transfer has not been made in accordance with the Transfer of Property Act, provided now we register it and then we publish it. Sir, it is possible to conceive of cases in which there might have been a judgment where a transfer or a grant or a gift in favour of Bhoodan might have been in fraud of creditors or might be vitiated by some other consideration. But in those cases, my submission is that, in the first place, they would have already been considered under section 17, because the moment a land is said to be given as a donation to Bhoodan, it is published in the gazette, and publication in the gazette is considered to be notice in respect of that land. After this, the second portion of section 23 will come into operation. Even now if a person files a civil suit saying that a particular land has been granted to Bhoodan, it is liable to be set aside on the ground of fraudulent declaration, one of the things which vitiate a contract. Then, Sir, the effect of section 23 is not taken away by this. Therefore, my submission is that we are now validating generally all those transfers which have been set aside. Then after validation . . . (Interruption by Sri K. Balasubramanya Ayyar). I am coming to that. If we had merely left it with the present clause 11, the hon. Member Sri Balasubramanya Ayyar's objection would be valid. But it must be read with the amendment to that clause, which says that it must now be published again. Then it is only on registration all previous transfers would be held to be proper transfers. My submission is that in this case a suit would still lie to say that this is a fraudulent transfer. In any event my submission is that if actually a particular judgment is there which says that a certain transfer of property is no transfer at all, then it is vitiated by any one of the conditions which vitiate

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normally the transfer of property. The officer would not include it in Bhoodan, because under section 17, an enquiry has to be made. He would have conducted the enquiry, and he would have found that it was not property which could be included. He would have excluded that property. Any judgment in a stray case might possibly be conceived in which the property which has been transferred might not be held to be validly transferred. Section 23 will still apply, and therefore it will not be possible for the Bhoodan to register it under the new clause. This is my interpretation.

SRI K. BALASUBRAMANYA AYYAR: Sir, clause 11 should not compel an officer. That is my point. This clause will compel the officer to say, 'No, no; what can I do; there is the wording "no law relating to transfer of property"; therefore, I would not go into the question'. That is the difficulty. It is all right for the Hon. Minister and others to be reasonable. But when this goes before the Enquiry Officer, all technical objections will be raised. This clause 11 will be put before him. He will say. This transfer is covered by clause 11, please don't talk". I do not want such a thing to happen. I am for Bhoodan. That is why I am saying all these. I am not obstructing the Bill. I am saying all these because I do not want there should be any difficulty for any Enquiry Officer. Why should we leave it to the civil court? Why not make it clear here itself? Let us be clear in clause 11. Let us say that other sections in the Transfer of Property Act will not apply and that only that section dealing with attestation, etc., will apply. It is better to say that here. Why should we take the risk? Somebody will abuse the legislation if we do not make it clear here itself. I am not here arguing against the Bill. I am only saying that the clause be properly worded so that no technical objection can be raised by any one later on.

THE HON. SRI R. VENKATARAMAN: Sir, there is the proviso which says—

"Provided also that notwithstanding anything contained in section 11 or sub-section (5) of section 17 of the principal Act, as in force immediately before the commencement of this Act, all the right, title and interest of the donor in such land shall stand transferred to and vest in the State Board or the Sarvodaya Panchayat, as the case may be, only on registration of the copy of the order under the first proviso."

A second registration would be required in those cases where there has been no previous registration. A second registration would be required at the time of registration. I, therefore, submit that it is open to the people to say that this cannot be registered for the reason that it is vitiated because of the judgment.

SRI K. BALASUBRAMANYA AYYAR: The Hon. Minister may go on arguing. But the land will not be cultivated.

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MR. DEPUTY CHAIRMAN : The question is—

In clause 11—

(a) in the opening paragraph and in sub-clause (a), after the words “ under the principal Act ”, insert the words “ as in force immediately before the commencement of this Act ”;

(b) add the following provisos :—

“ Provided that in the case of every order confirming a declaration under sub-section (4) of section 17 of the principal Act before the commencement of this Act, the State Board shall, within four months from the date of such commencement, send a copy of such order authenticated by an officer authorised by the State Board in this behalf to the registering officer under the Indian Registration Act, 1908 (Central Act XVI of 1908) within the local limits of whose jurisdiction the land to which the order relates is situate and such registering officer shall register such orders :

Provided further that no fee shall be payable for such registration and it shall not be necessary for any officer of the State Board to appear in person or by agent at the registration office in any proceeding connected with such registration :

Provided also that notwithstanding anything contained in section 11 or sub-section (5) of section 17 of the principal Act, as in force immediately before the commencement of this Act, all the right, title and interest of the donor in such land shall stand transferred to and vest in the State Board or the Sarvodaya Panchayat, as the case may be, only on registration of the copy of the order under the first proviso.

Explanation.—For the removal of doubts, it is hereby declared that if in any case the declaration or grant of any land donated under the principal Act has been registered under the Indian Registration Act, 1908 (Central Act XVI of 1908) before the commencement of this Act, the copy of the order confirming the declaration in respect of such land under sub-section (4) of section 17 of the principal Act shall not be deemed to require registration under this section ”.

The amendment was put and carried.

Clause 11, as amended, was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI P. KAKKAN : Sir, I move—

“ That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as amended, be passed.”

MR. DEPUTY CHAIRMAN : The question is—

“ That the Madras Bhoodan Yagna (Amendment) Bill, 1964 (L.A. Bill No. 10 of 1964), as amended, be passed.”

The motion was put and carried and the Bill, as amended, was passed.

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MR. DEPUTY CHAIRMAN : The House will now rise and meet again at 6 p.m.

5 50
p m.

The House then adjourned.

(The House re-assembled at 6 p.m.)

(Deputy Chairman in the Chair.)

IV.—ELECTION OF CHAIRMAN

MR. DEPUTY CHAIRMAN : The next item on the Agenda to-day is the election of the Chairman under Article 182 of the Constitution of India. Nominations for this Office have already taken place.

Under rule 12 (4) of the Madras Legislative Council Rules, I have first to read out to the House the names of Members who have been duly nominated together with those of their proposers and seconders. They are :

<i>Serial number and name of Candidates.</i>	<i>Name of the proposer.</i>	<i>Name of the seconder.</i>
(1)	(2)	(3)
1. Sri M. A. Manickavelu Naicker.	Sri R. Venkataraman	Sri K. Rajaram.
2. Sri M. A. Manickavelu Naicker.	Sri N. R. Thyagarajan.	Sri A. Sambasiva Reddiar.

As only one Member has been validly nominated for election, namely, Sri M. A. Manickavelu Naicker, I declare him duly elected as Chairman, Madras Legislative Council. (Cheers).

It only remains for me to tender to the Hon. Sri M. A. Manickavelu Naicker my sincere congratulations on his election and I call upon him to occupy the Chairman's Chair. When the Hon. the Chairman goes to occupy the Chair, I request all hon. Members to stand up and resume their seats only after the Chairman has taken his seat. After he takes his Chair, congratulatory speeches will be made. Now, I request the Leader of the House and the Leader of the Opposition to conduct Sri M. A. Manickavelu Naicker to the Chair.

(Then, the Hon. Sri M. A. Manickavelu Naicker was conducted to the Chair by the Hon. Sri R. Venkataraman and Dr. A. Lakshmanaswami Mudaliar and he occupied the Chair amidst cheers.)

V.—CONGRATULATORY SPEECHES ON THE ELECTION OF CHAIRMAN.

MR. CHAIRMAN : Now I call upon the Leader of the House to speak.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman allow me to offer the felicitations of this House on your unanimous election as Chairman of this august body. You are no stranger